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The 1965 Federal government publication reviews the status of school desegregation as of that year. It is said that "profound changes" were taking place in the desegregation process from 1963 to 1965. Information is presented about the situation in primary and secondary schools, colleges and universities, as well as the extent of community progress. Also noted are the relevant sections of the 1964 Civil Rights Act and the extent of compliance with the law. The document focuses mainly on the 17 Southern and border states. This report is an updating of UD 008113. (NH)

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Research and Reference Service

DESEGREGATION IN EDUCATION, 1964-1965

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DESEGREGATION IN AMERICAN EDUCATION, 1964-1965

CONTENTS

PRIMARY AND SECONDARY SCHOOLS 1

COLLEGES AND UNIVERSITIES 5

COMMUNITY PROGRESS 8

CIVIL RIGHTS ACT OF 1964 9

COMPLIANCE WITH THE 1964 ACT 11

DESEGREGATION IN AMERICAN EDUCATION, 1964-1965*

In the twenty-month period from September 1963 through May 1965, profound changes were being made in the process of desegregation of American schools.

Public resistance to the 1954 ruling of the Supreme Court dwindled almost to a complete halt. In all but a few spots, school desegregation became accepted as inevitable, and in some areas of previous opposition communities were beginning to recognize some practical advantages of the change. Tensions moved away from confrontations at school openings in the South to demonstrations in some cities in the North against "de facto segregation" where residential concentrations and neighborhood deterioration had created all-Negro schools of inferior quality.

The adoption of the Civil Rights Act of 1964 and the issuance of regulations early in 1965 to effectuate Title VI of the Act made it clear that school desegregation must be accepted by any community as a condition for the receipt of Federal financial aid for education. This requirement brought prompt assurances of conformance from the great majority of school systems, even in communities where organized resistance to racial equality in some other respects continued.

Primary and Secondary Schools

In the ten years since the Supreme Court on May 31, 1955, issued its order to carry out the principles set forth on May 17, 1954, in the School Segregation Cases, 7 out of 8 of the 821 biracial public school districts in the 6 Border States and 1 out of 3 of the 2,223 biracial districts of the 11 States of the "Deep South" have been desegregated. Three out of five Negro students in the Border States and 1 out of about 40 in the 11 Southern States were in school with white boys and girls.

This change had been accomplished only after painful effort in some communities. Court orders had been issued in almost 200 districts on a case-by-case basis, often with appeals to the highest tribunal, to bring about the initial steps in the desegregation process. In the 17-State area, however, about 1,100 districts desegregated without any specific mandate from a court.

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*This report is an updating of R-178-63(C): IRS Background Facts: The Negro American; II. Desegregation in Education.

In the 11 once-Confederate States, the following analysis shows how the process of desegregation has accelerated. In the first nine years after the Court decision, 411 districts had been desegregated in this area; in the 20-month period from January 1, 1964, 363 additional districts had broken the pattern of segregation. Hence, by June 1965 a total of 774 districts had desegregated, and 66,000 Negroes were in school with white boys and girls, as shown in the following chart published in the June 1965 issue of the Southern School News:

Chart 1. SEGREGATION-DESEGREGATION STATUS
AS OF JUNE 1, 1965

Total Districts		Biracial Districts	Deseg. Districts	Negroes In Schools With Whites No.	%
118	Alabama	118	9	101	.034
411	Arkansas	220	24	930	.811
67	Florida	67	22	6,612	2.67
196	Georgia	180	12	1,337	.400
67	Louisiana	67	3	3,581	1.14
163	Mississippi	163	4	57	.020
170	North Carolina	170	86	4,963	1.42
108	South Carolina	108	18	265	.102
152	Tennessee	141	65	9,298	5.35
1,379	Texas	862	450*	27,000*	7.84
130	Virginia	127	81	12,000*	5.15
2,961	TOTAL Southern (11)	2,223	774	66,135	2.25
79	Delaware	45	45	12,051	62.2
1	District of Colombia	1	1	106,578	86.0
204	Kentucky	165	165	37,585	68.1
24	Maryland	23	23	86,205	50.9
1,056	Missouri	212*	203*	44,000*	42.3
1,090	Oklahoma	321	211	14,000*	31.1
55	West Virginia	54	54	13,500*	63.4
2,509	BORDER (6 plus D. C.)	821	702	313,919	58.3
5,470	REGION (17+D.C.)**	3,044	1,476	380,054	10.9

*Estimated
**Area affected by Supreme Court decisions (School Segregation Cases) 1954-5

In the Border States, only 119 districts remained to be desegregated, chiefly in Oklahoma where the principle had been accepted readily at the State House but where local circumstances have delayed implementation.

The count of Negroes actually attending classes with whites shows that many schools within the desegregated districts reflect residential concentrations of whites or Negroes in many areas or the token character of some of the initial changes. It also reflects the fact that some Negroes are in school districts which are not biracial. Only 821 of the 2,509 districts in the Border States are biracial, according to the Southern School News, whereas 2,223 of the 2,961 in the 11-State South contain whites and non-whites. In some of the mountain areas in the region, Indians constitute the majority or even the totality of the small non-white population.

More than half of the Negroes in the 17 States and the District of Columbia are in districts already desegregated, about 2 million out of a total regional school population of 3½ million Negroes. The percentage of Negro students in desegregated districts to total Negro students is 48 percent in the 11-State South and 96 percent in the six Border States and District of Columbia.

The Court decision of 1954 accelerated the progress which had begun about twenty years previously in the quality and extent of education available to Negro youth. The 1960 Census showed that in the 17-State area, until recently, a large segment of both the white and colored population had little schooling. Thus, of all persons in the area who were 25 years of age or more in 1960, even then about one-tenth of the whites and more than a quarter of the Negroes had completed less than five years of schooling and so were classified as functional illiterates. In contrast, almost all of today's children, Negro or white, are going to school. Now enrollments of both whites and Negroes for the country as a whole are above 99 percent in the 7-13 age or elementary school range and are 90 and 86 percent respectively in the 14-17 age or high school bracket. Non-whites in 1960 showed an appreciably higher level of enrollment in school than whites had reached in 1940, as this table of Census statistics published in the Journal of Negro Education, Fall 1963, indicates:

Chart 2. PERCENT OF WHITES AND NONWHITES ENROLLED IN SCHOOL, BY AGE, 1940, 1956, 1960

	April 1940		October 1956		October 1960	
Age	White	Nonwhite	White	Nonwhite	White	Nonwhite
7-13	95.5	91.2	99.4	98.4	99.6	99.1
14-17	80.7	68.2	89.2	81.2	90.8	86.8
18-24	13.8	9.1	20.1	15.8	21.8	15.9
Total —						
7-24	59.7	55.3	73.8	69.9	75.1	72.8

Throughout the country in 1963, school enrollment of non-white children aged 7-13 inclusive reached 99 percent. Estimates for October were that 6,541,000 or 58.8 percent of all non-whites in the 5-34 age group as compared with 43,815,000 or 58.4 percent of all whites in this age group were enrolled in school, thereby reflecting the higher concentration of non-whites in the younger ages where enrollments are highest. The percentage of whites increases in the upper grades.

With 11.8 percent of the nation's population, non-whites are 12.1 percent of the primary and secondary school enrollment; they are 14.3 percent of those in elementary and kindergarten schools and 11.6 percent of the high school population.

Among youths 14-17 years of age, the median number of school years completed as of March 1962 was 9.3 for whites and 8.7 for non-whites; among those 18 and 19 years of age, 12.3 years of school for whites and 11.3 for non-whites.

Literacy among non-whites between 14 and 24 reached 98.8 percent by 1960 as compared with 93 percent for non-whites and 98.5 percent for whites of all ages.

These statistics show that there is still a quantitative gap between the education of Negroes and whites in general but, as pointed out by Professors Newton and West in the Fall 1963 issue of The Journal of Negro Education, the disparity is shrinking in both quality and quantity. Gaps between the average school expenditures in the South and in the rest of the nation and between those for Negroes and whites in the South have been reduced; "salary discrimination based upon racial considerations seems to have largely disappeared from Southern elementary and secondary schools during the decade of the 'fifties.'" As measured by years of college attended, the gap between white and Negro teachers has been closed within the states which report separate data for the two groups of teachers. Differences in pupil-teacher ratios seem virtually to have disappeared in Southern secondary schools. A much higher proportion of accredited high schools is available for whites, however, in all 11 Southern States except Kentucky.

Because many of the educational problems in the South have stemmed from economic shortcomings of the past or present, a cooperative program of State, business and private individuals has been undertaken with about $10 million in funds, largely from the Ford Foundation, to attack ignorance and poverty simultaneously. It will be "a coordinated effort to develop human resources to the fullest." It will aid both whites and Negroes in rural as well as urban areas and concentrate on elementary and vocational subjects.

Experience has shown that Negro students attending all Negro classes anywhere rarely received the same level of education as similar children when enrolled in biracial schools. The Banneker School District in St. Louis is a notable exception and has demonstrated that with proper motivation and staffing, a high level of achievement is possible. In general, pressure has developed to overcome the adverse effects of de facto segregation by a redrawing of school boundaries, by exchanging classes, by transporting or "bussing" students from one area to another, or other improvisations to overcome the consequences of residential concentrations. Demonstrations have been held by civil rights groups pressing for such changes and by opposing elements striving to maintain the principle of the neighborhood school with its consequent practical separation of students by economic status, race or national origin.

The New York State Commissioner of Education, facing this problem in many cities of that State, issued a general order for reorganization of school districts whenever enrollment at a school had reached or approached a 50 percent non-white basis. Pairing of schools was proposed as a corrective with certain classes to attend one school and the others to be concentrated at another. The Appellate Division of the New York State Supreme Court on July 22, 1964 indicated agreement with the "judgment of the Commissioner that correction of racial imbalance is an educational aid to a minority group in attaining the skills and level of education which others have had for generations." This decision supported the disputed right of school authorities to take race into account in order to prevent such concentrations as would constitute segregation; and thus going one step beyond the Supreme Court action against segregation and accepting a policy of integration as a legitimate one for the school authorities in New York, with "attendance area" substituted for the previous basis of school "neighborhood."

On June 28, 1965, the New Jersey Supreme Court rejected a Plainfield, N.J., desegregation plan because it did not go far enough in reducing racial concentrations in some schools. The Court held that schools should help children of multi-racial and multi-cultural communities to respect and to live with one another.

Colleges and Universities

The number of Negroes attending college or university doubled in 16 years, going from 124,000 in 1947 to 259,000 in 1963, while whites showed almost as great an increase, going from 2,287,000 to 4,050,000. Negroes were about 6.0 percent of the total university enrollment in 1963.

More than half of the Negro students are in institutions of higher learning in the North and West, all of which are open to all races and only a few of which are predominantly non-white.

At least half of the Negroes in colleges in the 17-State area are still in institutions which traditionally or predominantly are non-white in enrollment.

More than two-thirds of the public institutions of higher education in the 17-State area were desegregated by autumn of 1964. Within the more segregationist 11-State South, 161 out of 220 tax-supported institutions had adopted policies of desegregation by June 1965. In addition, 136 of the 299 non-tax-supported colleges had opened their doors to all races as of October 1964.

Chart 3. PUBLIC COLLEGE DESEGREGATION IN THE U.S.
June 1, 1965 (Southern School News, June, 1965)

	Predominantly White Total-Deseg.	Predominantly Negro Total-Deseg.	Negroes in Institutions With Whites: Predominantly White Schls.	Negroes in Institutions With Whites: Predominantly Negro Schls.
Alabama	9 - 4	2 - 1	68	0
Arkansas	7 - 7	1 - 1	51	0
Florida	24 - 15	11 - 11	1,715	0
Georgia	17 - 9	3 - 0	71	0
Louisiana	11 - 11	3 - 3	1,178	10,275
Mississippi	19 - 1	6 - 0	2	0
North Carolina	12 - 12	5 - 5	489	9,122
South Carolina	5 - 3	1 - 0	24	0
Tennessee	6 - 6	1 - 1	1,035	4,669
Texas	50 - 50	4 - 4	2,553	8,306
Virginia	21 - 15	2 - 2	132	4,170
SOUTH*	181 - 133	39 - 28	7,318	36,542
Delaware	1 - 1	1 - 1	17	750
District of Col.	0 - 0	1 - 1	0	1,110
Kentucky	7 - 7	1 - 1	1,700***	980***
Maryland	16 - 16	4 - 4	965	4,352
Missouri	17 - 17	1 - 1	2,500***	1,100***
Oklahoma	22 - 22	1 - 1	851***	923***
West Virginia	10 - 10	1 - 1	1,200***	325
BORDER**	73 - 73	10 - 10	7,233	9,540
REGION	254 - 206	49 - 38	14,551	46,082

*Total enrollment in colleges which are predominantly white: 619,811; predominantly Negro: 68,792.

**Total enrollment in colleges which are predominantly white: 845,881; predominantly Negro: 79,932.

***Estimated

The Southern Association of Colleges and Secondary Schools began accreditation of white schools in 1919 and Negro colleges in 1930 but did not admit any Negro institutions until 1957, when 15 senior and 3 junior colleges in the latter group were accepted. Since then some additional members have been accepted.

Great effort is being made by public and private agencies to improve the facilities and faculties of the predominantly Negro institutions but, as Dr. Rufus Clement of Atlanta University warned in March 1965, major universities in other sections are now drawing away some of the best Negro professors and students. So-called Ivy League colleges are candidly seeking to recruit qualified Negro students even while forced, because of overcrowding, to turn away large numbers of white applicants. The Ford Foundation gave $13 million to 13 traditionally Negro institutions in 1964, in addition to $5 million in 1963 to the 32-member United Negro College Fund. Also in 1964 the Foundation offered a $7 million program for grants to 1,000 Negro high school seniors for college scholarships under the auspices of the National Merit Scholarship Corporation.

A partnership plan between some Northern and Southern institutions has also been undertaken with the University of Michigan being paired with Tuskegee Institute, and Brown University of Providence, R.I., being linked with Tougaloo College, near Jackson, Mississippi. Nine Negro girls are having a "Junior Year in the North" under a scholarship fund at fashionable and front-ranking Wellesley College in Massachusetts. Seven other Negroes are also enrolled among the 1,700 students from 40 states and 27 countries. With State Department cooperation and a $600,000 grant from the Ford Foundation grant, 40 college upper classmen from 32 institutions around the country were enrolled in a Foreign Affairs Scholars Program at Howard University to equip Negro candidates for Foreign Service Officer examinations and careers in the diplomatic service.

A study of 1,300 Negroes who had been aided in some way during a four-year period in major interracial colleges has shown that, despite financial difficulties experienced by many of them, only one of three failed to graduate, whereas whites and Negroes at segregated colleges averaged 60 percent drop-outs. This study covered 1952-56.

Three incidents during the college year in Texas give some indication of the change in attitude. Texas Tech announced its decision to integrate its athletic program, by a unanimous vote of its Board, and became the fifth member of the Southwest Conference to do so. The University of Texas appointed its first Negro faculty member, taking a civil engineer who was receiving his doctorate from its College of Engineering after a near-perfect scholastic record. A Negro football star from San Antonio, who had received 65 invitations to attend various colleges, announced his selection of the University of Houston which had desegregated its athletic program only a few months previously. These events occurred in 1964-65.

A Negro woman became Assistant Professor of Pharmacology and Research at the University of Mississippi Medical School in June 1965, less than three years since James Meredith ended the traditional segregation of the State University. Dr. Marion Wyles' arrival received scant attention in the press, in sharp contrast with the 1962 situation.

Selection of Negroes as officers of college classes in predominantly white institutions has become commonplace enough to receive very minor notice in the press. Two were recently awarded the coveted Rhodes Scholar appointments.

Community Progress

Acceptance of the principle of biracial schools is evidenced in several ways. A most obvious indication of acceptance was the complete absence of public demonstration or violence in any of the couple hundred Southern communities where desegregation was initiated in the autumn of 1964. Another was the appointment or election of a Negro to the local Board of Education in various communities, a few of which were in the South. The most notable was the fact that a Negro, James E. Stratton, was serving in 1964 as the President of the San Francisco Board of Education.

One big breakthrough came when the influential National Congress of Parents and Teachers at its 68th Convention on May 27, 1964, declared an obligation in conscience and conviction to right the wrongs done to some children by inequality of education or work opportunity suffered because of their race, color or creed.

On July 6, 1965, the American Library Association unanimously approved a resolution that an amendment be drafted to its constitution to bar from membership any library which practices racial discrimination. This would extend the policy statement of 1962 which caused four state associations to withdraw. One of the latter this year accepted the statement and returned to membership.

The American Federation of Teachers, AFL-CIO, several years ago ordered its few racially organized locals in the South to merge or lose their charters.

Steps in this direction are beginning to be taken within State organizations of the National Education Association. The NEA's 1964 Convention ordered that segregation be ended by July 1966 in any of its affiliates. With units in the 6 Border States and the District of Columbia already merged or desegregated, Florida is the first of the 11 Southern associations to be desegregated on a state-wide basis while Tennessee and Virginia have some local units already desegregated, and North Carolina's Education Board dropped the racial bar in principle.

In June 1965, NEA announced it would seek a million dollar fund to give legal and placement aid to Negro teachers who lose their jobs through the integration of previously segregated schools.

At the college level, all 60-member units of the National Interfraternity Conference have dropped racial and religious disqualification clauses from their constitutions, and local chapters on college campuses are also subject to non-discriminatory requirements of college or state administrations.

A Gallup survey published on May 23, 1965 showed further reduction in objections "to sending your children to a school where a few of the children are colored": in 1965, only 7 percent of Northern parents would object as against 10 percent in 1963; 37 percent in the South would object as against 61 percent in 1963. If half the children were colored, 28 percent in the North and 68 percent in the South would object, a reduction of 5 and 10 points respectively in two years.

Civil Rights Act of 1964

Enactment of the Civil Rights Act of 1964 contributed substantially to the more favorable attitude for desegregation in the later months of the year. The long debate in the Congress which preceded its approval by the President on July 2, ventilated the emotional and legalistic objections to the desegregation which had been ordered by the Court rather than by a legislative body. Some slight hope had been held by the opponents of that decision that it could be overturned or modified by legislative or judicial process or by the sheer resistance of the officials and voters in the resisting States or communities. The 1964 Act, with its eventually wide measure of Congressional support, clearly defined a national policy against discrimination. Under two titles of the Act, Federal authority was directed to act against discrimination in education.

Under Title IV both technical assistance and legal support were authorized in the desegregation of public education. Section 401.(b) provides that " 'Desegregation' means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

The Commissioner of Education is directed to make a survey within two years "concerning the lack of availability of equal educational opportunities ... in public educational institutions at all levels...."

He is also authorized to supply technical assistance and information and advisory personnel upon request of any governmental unit responsible for school operation to assist in planning for or implementing desegregation. He may conduct special training sessions for school personnel to meet and cope with the special problems caused by desegregation and to finance attendance at such institutes.

Under Section 407 the Attorney General is authorized under specified circumstances to initiate and conduct legal proceedings to obtain for complainants equal educational opportunity without racial or religious discrimination. Authority is also conferred upon the Attorney General to act on behalf of complainants whose complaints he finds meritorious and who are deemed unable to bear the expense of the litigation or to obtain suitable representation or whose safety, employment, or economic standing would be jeopardized by their undertaking such litigation. Jurisdiction would be in any appropriate district court of the United States. It is specified that this Act does not convey any authority to require the transportation of students from one school to another to achieve a racial balance "or otherwise enlarge the existing power of the court to insure compliance with constitutional standards."

Title VI provides in its initial section that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The U.S. Commission on Civil Rights, which is designated under the Act as a clearing-house for information on the subject, has explained that the Act prohibits such specific discriminatory practices as:

Any difference in quality, quantity, or the manner in which the benefit is provided;
Segregation or separate treatment in any part of the program;
Restriction in the enjoyment of any advantages, privileges or other benefits provided to others;
Different standards or requirements for participation;
Methods of Administration which would defeat or substantially impair the accomplishment of the program's objectives;
Discrimination in any activity conducted in a facility built in whole or in part with Federal funds;
Discrimination in any employment resulting from a program established primarily to provide employment.

Regulations to carry out this law against discrimination must be prepared and issued by each of the Federal agencies concerned and must be approved by the President. There are more than 190 Federal programs of aid to State and local governments, private institutions, businesses and individuals. Many are locally administered and involve some sharing of costs. Federal payments of this sort totaled nearly $11 billion or ten percent of Federal expenditures in 1963; they averaged about 14 percent of the total revenues of State and local governments, and were as much as 32 percent of the receipts in some States.

This provision of the law applies only to programs for which some Federal payment has been or will be made since the regulations under Title VI went into effect. It does not apply if payments were completed previously. Neither does it apply to assistance by way of a contract of insurance or guarantee, such as in the Federal Housing programs which are now subject to Executive Order 11063 for Equal Opportunity. The law also makes careful provision to govern the way in which, if efforts to secure voluntary compliance fail, termination of aid may be ordered after due notice and opportunity for obtaining judicial review.

As the Commission on Civil Rights points out, "Compliance will first be sought by affirmative and voluntary means whenever possible. But in addition, provision is made for complaints, field reviews, investigations, informal adjustments, and, when necessary, more formal proceedings." Complaints alleging discriminations may be filed by individuals or organizations. Compliance proceedings may be undertaken against 'recipients' who are conducting programs for the benefit of others, not against the individual who is the eventual personal beneficiary. Proceedings may not go beyond the specific program in which the violation is charged; in other words, non-compliance in use of funds for a highway program would not block Federal funds for a school project.

Compliance with the 1964 Act

A good indication of the effectiveness of the 1964 Act is seen in the May Southern School News' summary of notices of compliance received from colleges by the first of May, 1965, as reported by the Office of Education.

Chart 4. COLLEGES IN COMPLIANCE UNDER TITLE VI

	Public		Private	
	No. of Colleges	Agree to Comply	No. of Colleges	Agree to Comply
Alabama	12	12	18	13
Arkansas	8	8	13	12
Florida	34	34	18	13
Georgia	21	21	27	18
Louisiana	13	12	13	6
Mississippi	25	19	20	10
North Carolina	17	17	43	33
South Carolina	7	7	25	12
Tennessee	7	7	41	31
Texas	54	54	45	34
Virginia	23	18	35	19
	221	209	298	201

Examples of the wide scope of Title VI of the Act are many and go far beyond mere acceptance of students on a racially non-discriminatory basis. For example, the Commissioner of Education has stated that a college where a fraternity system is maintained has an obligation, if it is to continue to receive Federal grants, to make sure that fraternities on its campus do not practice discrimination. The Department of the Army has informed schools which have units of the Reserve Officers Training Corps that aid will be discontinued if racial or religious discrimination is practiced in the ROTC.

Before the end of June of this year, all State Departments of Education throughout the South submitted agreements of compliance to the Federal Office of Education. Since considerable local control or even autonomy exists in school districts, individual assurances of nondiscrimination or plans for desegregation must be submitted. As of June 2*, the Southern School News reported that the Office had received a total of 4,592 such assurances or plans from a total of 5,143 school districts in the 17 States and had already accepted about 2,700 of them. Although some districts which receive relatively little Federal aid or in which extreme opposition is manifested may elect to forego Federal grants rather than to desegregate their schools, the general expectation is that relatively few will do so.

On April 29,* the Federal Commissioner of Education, Francis Keppel, announced that a "good-faith substantial start" this autumn and desegregation of all grades by the autumn of 1967 would be required as evidence of compliance under Title VI. Plans should include desegregation of faculties and of transportation facilites, he added.

Meanwhile, under Title IV, the Department of Justice has intervened in nine lawsuits to secure or expand school desegregation.

Symbolic of a new era was the decision of the Southern Education Reporting Service to end the Southern School News which with Ford Foundation grants has been providing a reliable monthly compendium of developments arising out of the 1954 Supreme Court decision. In its place, SERS will issue a monthly report on programs for the education of the culturally disadvantaged, the Southern Education Report. It is evidence that local statutory or administrative barriers based on race have yielded or are yielding to the 1954 decision of the Court and to the national affirmation in the 1964 Civil Rights Act, and that the challenging task ahead is to establish a real integration and general improvement of education on a community-wide basis.

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*The Office of Education reported on July 28, 1965 that it had received a total of 4,682 assurances, orders, or plans and it had accepted 3,239 of them.